

REMARKS

This is intended as a full and complete response to the Office Action dated June 21, 2004, having a shortened statutory period for response set to expire on September 21, 2004. Claims 1-25 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections 35 USC 102

Claims 1-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by *Nemes*, U.S. Patent 5,893,120. Regarding claims 1, 11, and 16, the Examiner states that *Nemes* discloses a method and apparatus including the claimed limitations.

To anticipate a claim, the cited reference must teach every element of a claim. MPEP § 2131. In fact, "the identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 126, 1236 (Fed. Cir. 1989). Anticipation of a claim also requires that the elements must be arranged as required by the claim. MPEP § 2131.

The claimed method and program are directed to a method for managing a reusable linear access storage medium. Applicant submits that *Nemes* teaches a garbage collection technique for use in hashing functions which "have been used classically for fast access to static, short term data, such as a compiler symbol table" (see col. 5, lines 34-36) and that *Nemes* makes no reference whatsoever to linear access storage mediums.

The Examiner states that *Nemes* discloses the claimed active window table, referring to a hash table and linked list chains described in *Nemes*. The Examiner equates the records of *Nemes* to the media blocks recited in the claims. The Examiner further submits that the hash table may be interpreted as including the linked lists of records, presumably to support the possibility that the hash table may include claimed expiration information. As described in column 4, lines 62-67 of *Nemes*, the hash table is typically stored in random access memory (RAM). In that case, the records would be in RAM, not media blocks contained in a linear access storage medium.

Accordingly, Applicant submits that claims 1, 11, and 16 are patentable over *Nemes* and request removal of this rejection with respect to these claims. Claims 2-10, 12-15, and 17-25, each depend directly or indirectly from claims 1, 11, or 16 and, as

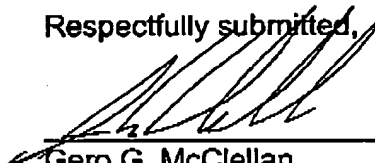
such, contain the same limitations thereof. Accordingly, Applicant submits that these claims are also patentable over *Nemes* and request removal of this rejection with respect to these claims, as well.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Gero G. McClellan
 Registration No. 44,227
 MOSER, PATTERSON & SHERIDAN, L.L.P.
 3040 Post Oak Blvd. Suite 1500
 Houston, TX 77056
 Telephone: (713) 623-4844
 Facsimile: (713) 623-4846
 Attorney for Applicant(s)